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PROVISIONAL VERBATIM RECORD OF THE THREE THOUSAND
ONE HUNDRED AND SIXTEENTH MEETING

Held at Headquarters, New York,
on Saturday, 19 September 1992, at 12.55 p.m.

President:	Mr. AYALA LASSO	(Ecuador)
Members:	Austria	Mr. HOHENFELLNER
	Belgium	Mr. NOTERDAEME
	Cape Verde	Mr. JESUS
	China	Mr. LI Daoyu
	France	Mr. MERIMEE
	Hungary	Mr. ERDOS
	India	Mr. GHAREKHAN
	Japan	Mr. HATANO
	Morocco	Mr. SNOUSSI
	Russian Federation	Mr. VORONTSOV
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	United States of America	Mr. WATSON
	Venezuela	Mr. BIVERO
	Zimbabwe	Mr. MUMBENGEGWI

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The meeting was called to order at 12.55 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

DRAFT RESOLUTION CONTAINED IN DOCUMENT S/24570

The PRESIDENT (interpretation from Spanish): The Security Council will now begin its consideration of the item on the agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/24570, containing the text of a draft resolution submitted by Belgium, France, Morocco, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall take it that that is the case.

There being no objection, it is so decided.

Before putting the draft resolution to the vote, I shall call on those members of the Council who wish to make statements before the voting.

Mr. VORONTSOV (Russian Federation) (interpretation from Russian): The delegation of the Russian Federation is ready to support the draft resolution agreed upon by members of the Security Council in the course of their consultations, on the basis of the fact that the prevailing view in the international community is that none of the republics that have emerged in the place of the former Socialist Federal Republic of Yugoslavia can claim automatic continued membership in the United Nations. We agree that the

(Mr. Vorontsov, Russian Federation)

Federal Republic of Yugoslavia, like other former Yugoslav republics, will have to apply for membership in the United Nations, and we will support such an application.

At the same time, we were unable to agree with the proposal, put forward by some States, that the Federal Republic of Yugoslavia should be excluded, formally or de facto, from membership in the United Nations. We are convinced that such a decision would have negative consequences for the process of the political settlement of the Yugoslav crisis, as it would break the channels of communication between our Organization and Belgrade. It would also be counterproductive with regard to the London Conference, since the United Nations, through its Secretary-General, is among the leaders of that process.

The compromise that has been reached - that the Federal Republic of Yugoslavia should not participate in the work of the General Assembly - may seem unsatisfactory to some. Frankly, we would have preferred not to have recourse to such a measure to influence the Federal Republic of Yugoslavia, because even without this measure it is already experiencing sufficient pressure from the international community in the form of economic sanctions. But we have found it possible to agree to this gesture of condemnation by the world community on the understanding that in order to make a full contribution to the solution of the world problems discussed in the General Assembly, the Federal Republic of Yugoslavia must take all possible measures to bring about an early cessation of the fratricidal conflict in its region. It must effectively cooperate to promote national reconciliation and cooperation between the various ethnic groups.

(Mr. Vorontsov, Russian Federation)

At the same time, the decision to suspend the participation of the Federal Republic of Yugoslavia in the work of the General Assembly will in no way affect the possibility of participation by the Federal Republic of Yugoslavia in the work of other organs of the United Nations, in particular the Security Council, nor will it affect the issuance of documents to it, the functioning of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations or the keeping of the nameplate with the name Yugoslavia in the General Assembly Hall and the rooms in which the Assembly's organs meet.

(Mr. Vorontsov, Russian Federation)

In short, since the decision of the Security Council does not provide for the expulsion of the Federal Republic of Yugoslavia from the United Nations, the measures taken with regard to it must remain strictly within the limits of the decision we are taking today.

We hope that this decision of the United Nations will be correctly understood by the leadership and people of the Federal Republic of Yugoslavia as an urgent appeal addressed to them by the world community to do everything necessary to bring about an early, peaceful settlement of the conflict.

Mr. GHAREKHAN (India): My delegation has two concerns in relation to the draft resolution contained in document S/24570, one substantive and one constitutional.

We are seriously concerned about the effect of a decision such as the one proposed in the draft resolution on the functioning - indeed, the fate - of the United Nations Protection Force (UNPROFOR). The international community has invested vast financial and human resources in this operation, so meticulously crafted by the Secretary-General with the help of Mr. Cyrus Vance.

As the Secretary-General has pointed out in many of his reports, the cooperation of all the parties concerned is indispensable to the success of UNPROFOR, as indeed for any other peace-keeping operation. The practical impact of the draft resolution on the attitude of at least one of the parties involved towards UNPROFOR, in my delegation's view, is not likely to be helpful, to say the least, since UNPROFOR is not a Chapter VII operation, at least in Croatia. Indeed, we may be placing the entire process of peacemaking and peace-keeping in the former Yugoslavia in jeopardy.

(Mr. Gharekhan, India)

Regarding the constitutional aspect, my delegation has consistently maintained that any action by the Council should be in strict conformity with the provisions of the Charter. That is the only way in which the prestige and credibility of this important organ can be preserved. There are specific provisions in the Charter regarding membership in the Organization. Questions of membership or rights and privileges of participation are matters of fundamental importance. This makes it all the more essential to adhere to the provisions of the Charter. The draft resolution, in my delegation's opinion, is flawed from this point of view. It does not conform to either Article 5 or Article 6 of the Charter, the only two Articles that deal with the issue which the draft resolution is attempting to address.

The Security Council, under the Charter, is competent to recommend either suspension or expulsion of a State. Nowhere in the Charter has the Security Council been given the authority to recommend to the General Assembly that a country's participation in the Assembly be withdrawn or suspended. That authority belongs to the General Assembly, which does not need any recommendation to that effect from the Security Council. Indeed, the General Assembly is under no legal obligation to act on any such recommendation, just as the Security Council is under no legal obligation to comply with the General Assembly's recommendations.

For these reasons, my delegation will not be in a position to support the draft resolution.

Mr. MUMBENGEGWI (Zimbabwe): It is the view of my delegation that the principles governing the admission to and suspension or expulsion of States from membership of the United Nations are clearly and unambiguously set out in Articles 4, 5 and 6 of the Charter. We have always held that where

(Mr. Mumbengegwi, Zimbabwe)

membership of and participation in our Organization is concerned, these principles should be uniformly applied in the quest for universality that the founding fathers of the United Nations had in mind when they formulated these provisions.

In situations where States have broken up, as in the present case of the former Socialist Federal Republic of Yugoslavia, each case has had its unique characteristics, which in the past have been regarded as extraneous to the question of membership of the United Nations. I refer here to such matters as succession by the constituent members of the State that has undergone reconfiguration or has changed its borders. A number of States Members of the United Nations are products of peaceful or sometimes violent disintegration of previous configurations. Never before has the question of succession been a subject raised here. This is not surprising, since nowhere in the Charter is the resolution of succession matters stipulated as a condition for membership of the United Nations.

In the past year Zimbabwe has unconditionally welcomed in our midst Slovenia, Croatia and Bosnia and Herzegovina, three of the six republics that once constituted the Socialist Federal Republic of Yugoslavia. Zimbabwe supported the admission of these republics into the United Nations in the firm belief that it was only fair that all republics of the former Socialist Federal Republic of Yugoslavia should share the membership of this universal body by each having a seat in the General Assembly.

It is a cause of considerable sadness to my delegation that the draft resolution before us seeks to deprive two republics of the former Socialist Federal Republic of Yugoslavia, which now constitute the Federal Republic of Yugoslavia, of their right to participate in the work of the General Assembly.

(Mr. Mumbengegwi, Zimbabwe)

Further, one would have thought that the elementary principles of fairness demand that when the Council is about to take such a momentous decision on the fate of a State that State should at least be afforded the opportunity to state its case. Although the draft resolution purports to invite the Federal Republic of Yugoslavia to apply for membership, there does not seem to be the intention to admit it on the same basis as that on which other republics were admitted into the Organization.

It is significant that the text of the draft resolution before us makes no reference to any provisions of the Charter under which this action is being taken. Strict adherence to the provisions of the Charter has always been a source of protection for small States, and the increasing disregard for, or mutation of, Charter provisions causes us great concern. It would seem that the Charter's provisions are consistently ignored or applied selectively in the deliberations of our Council. My delegation has on previous occasions cautioned against the tendency to equate a majority vote in this Council as constituting international law. This tendency is bound to undermine the prestige and the moral authority of the Security Council.

Finally, Zimbabwe has consistently held the view that the Security Council and the United Nations should concentrate on the attainment of a negotiated political solution so as to bring lasting peace to what used to be the Socialist Federal Republic of Yugoslavia.

(Mr. Mumbengegwi, Zimbabwe)

We therefore welcomed the initiative of the Secretary-General to involve the United Nations directly in the peacemaking process. The Secretary-General started the process in London as co-Chairman with Prime Minister Major. The process is continuing in Geneva under the mediation of Mr. Vance and Lord Owen.

It is important that we render all the support possible to the mediators to enhance their chances of success. My delegation is extremely doubtful that the draft resolution before us will positively contribute towards the success of the delicate peace process currently under way. For these reasons, my delegation regrets that it will not be able to support the draft resolution before us.

The PRESIDENT (interpretation from Spanish): I now put the draft resolution (S/24570) to the vote.

A vote was taken by show of hands.

In favour: Austria, Belgium, Cape Verde, Ecuador, France, Hungary, Japan, Morocco, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela

Against: None

Abstaining: China, India, Zimbabwe

The PRESIDENT (interpretation from Spanish): The result of the voting is as follows: 12 in favour, none against, and 3 abstentions. The draft resolution has been adopted as resolution 777 (1992).

I shall now call on those representatives of the Council who wish to make statements after the voting.

Mr. MERIMEE (France) (interpretation from French): My delegation welcomes the adoption of resolution 777 (1992), which we sponsored with other members of the Council, on the status of Yugoslavia in the United Nations.

This text responds both to the requirements of the Charter and the needs of the moment. Indeed, it respects the apportioning of competence established by the Charter between the Security Council and the General Assembly. Furthermore, it adopts a pragmatic approach in keeping with the political situation following upon the London Conference. In this respect, it confirms and translates into reality the international community's rejection of the automatic continuation in the United Nations of the former Socialist Federal Republic of Yugoslavia by the Federal Republic of Yugoslavia.

At the same time, it preserves the future. Indeed, as the resolution we have just adopted recommends, non-participation in the work of the General Assembly by the Federal Republic of Yugoslavia does not call into question the necessary continuation of dialogue in Geneva, within the framework of the implementation of the London Conference; in the field, in the light of the need for the cooperation of all the parties with the United Nations Protection Force; and of course here in New York. The maintenance of the presence of the Yugoslav delegation could, if necessary, be a useful element in discussions leading to a political solution, in particular when our Council comes to consider it.

Mr. WATSON (United States of America): We find ourselves in an unprecedented situation. For the first time, the United Nations is facing the dissolution of one of its Members without agreement by the successor States on the status of the original United Nations seat. Moreover, none of the former republics of the former Yugoslavia is so clearly a predominant portion of the

(Mr. Watson, United States)

original State as to be entitled to be treated as the continuation of that State. For these reasons, and in the absence of agreement among the former republics on this issue, my Government has made it clear all along that we cannot accept Serbia and Montenegro's claim to the former Yugoslavia's United Nations seat.

We are gratified that the current resolution endorses this view and recommends that the General Assembly take action to confirm that the membership of the Socialist Federal Republic of Yugoslavia has expired and that because Serbia and Montenegro is not the continuation of the Socialist Federal Republic of Yugoslavia it must apply for membership if it wishes to participate in the United Nations.

I would like to comment on the provision of the resolution that Serbia and Montenegro shall not participate in the work of the General Assembly. This provision flows inevitably from the determination by the Council and the General Assembly that Serbia and Montenegro is not the continuation of the former Yugoslavia and must apply for membership in the United Nations. To state the obvious, a country which is not a member of the United Nations cannot participate in the work of the General Assembly.

The resolution's call to have the Security Council review the matter once again before the end of the fall session of the General Assembly simply refers to a willingness on the part of the Council to consider an expected application from Serbia and Montenegro. The resolution makes it clear that, in the view of the Council Serbia and Montenegro, like any other new State, must apply for membership in the United Nations and should be held to the criteria in the United Nations Charter if it does so. The criteria require that the applicant be both willing and able to fulfil United Nations obligations, including compliance with Chapter VII Security Council resolutions.

(Mr. Watson, United States)

Finally, we believe that other bodies in the United Nations system should be guided by this action of the Security Council and the General Assembly on this matter.

Mr. LI Daoyu (China) (interpretation from Chinese): It has been China's consistent position that the continuation of the membership in the United Nations of the former Socialist Federal Republic of Yugoslavia should be settled properly through consultations and negotiations among all parties of the former Yugoslavia. We hold that the former Yugoslavian republics should all be Members of the United Nations and that none of them should be excluded.

Such questions should be dealt with cautiously. Recently the international community, including the United Nations, has made positive efforts and achieved certain progress in seeking a fair and reasonable settlement of the crisis in the former Yugoslavia. We should endeavour to maintain this momentum. It is our view that any action taken by the United Nations with regard to the membership of the former Yugoslavia in the United Nations should contribute to the relaxation of tension in that region and promote a political settlement brought about by genuine negotiations among the various parties concerned. To isolate any of the parties concerned will not be conducive to the settlement of the question. Based on that principled position, the Chinese delegation abstained on the resolution adopted by the Security Council.

Finally, I should like to point out that the resolution just adopted does not mean the expulsion of Yugoslavia from the United Nations. The name-plate "Yugoslavia" will be kept in the General Assembly hall. The Federal Republic of Yugoslavia will continue its participation in the work of United Nations bodies other than the General Assembly. The Federal Republic of Yugoslavia

(Mr. Li Daoyu, China)

will continue to issue its documents in the United Nations. It is our understanding that this is only a transitional arrangement. We hope that the membership of Yugoslavia will be settled in a proper manner and that the Federal Republic of Yugoslavia eventually will have its place in the United Nations family.

Mr. BIVERO (Venezuela) (interpretation from Spanish): Venezuela supported the Council's recommendation, on the understanding that neither it nor any later decision of the General Assembly shall prejudge in any way diplomatic recognition of those States arising from the dissolution of the former Yugoslavia, including the Federal Republic of Yugoslavia, and diplomatic relations between them and Member States.

Mr. HOHENFELLNER (Austria): The Austrian position with regard to the topic of resolution 777 (1992) has been clearly stated on a number of occasions. Let me only recall that there is no legal basis for an automatic continuation of the legal existence of the former, now defunct, Socialist Federal Republic of Yugoslavia by the new federation of Serbia and Montenegro, which therefore cannot be considered to continue Yugoslav membership in the United Nations.

For eventual international recognition of the Federal Republic of Yugoslavia, the criteria contained in the guidelines on the recognition of new States adopted by the Council of the European Communities on 16 December 1991 should be applied. In this respect, Austria draws special attention to the requirements of the protection of human rights and the rights of ethnic groups.

In accordance with its position, Austria voted in favour of resolution 777 (1992) and hopes that the General Assembly will speedily take the recommended action.

Mr. ERDÖS (Hungary) (interpretation from French): Hungary also welcomes the adoption of resolution 777 (1992). Indeed, we voted in favour of it.

My country's position, which has been officially stated, concurs with that contained in the resolution we have just adopted, namely, that the Socialist Federal Republic of Yugoslavia has ceased to exist and that there is no automatic continuation of the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations. I also note that we were not alone in taking this position in the international community.

(Mr. Erdös, Hungary)

We also take note of the Council's recommendation to the General Assembly to the effect that the Federal Republic of Yugoslavia should apply for membership in the United Nations. We believe that this application should be studied and decided upon in accordance with the same criteria which prevailed in the discussion of the admission to the United Nations of all the other successor States of the former Yugoslav Federation.

We hope that the leaders of the Federal Republic of Yugoslavia - Serbia and Montenegro - will draw the appropriate conclusions from the resolution the Council has just adopted, both at the international level and at the level of developments inside the former Yugoslavia itself, and that they will strive, including within the framework of the London Conference, to achieve a just and lasting solution to this bloody crisis and to ensure that a state of law, a democratic system, human rights and the rights of national minorities will prevail in Serbia and Montenegro and throughout the former Yugoslav Federation.

The PRESIDENT (interpretation from Spanish): There are no further speakers on my list. The Security Council has just concluded the present stage of its consideration of this item. The Council will remain seized of the matter.

The meeting rose at 1.25 p.m.